

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Case No. 08-69430

JAMES FREDERICK MAIURI, JR.,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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ORDER DENYING MOTION FOR RECONSIDERATION

This case comes before the Court on Debtor's "Motion to Reinstate Chapter 7 Bankruptcy, Re-Enter Matrix & Schedule a New 341 Hearing," filed on April 21, 2009 (Docket # 21, the "Motion"), which this Court construes as a motion for reconsideration of, and for relief from, the January 13, 2009 Order dismissing this case (Docket # 14), and

The Court having reviewed and considered the Motion, and

The Court finds the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

Further, the Court finds that the allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), FedR.Bankr.P. 9024, or any other valid ground for relief from the order dismissing this case.

In addition, the Court finds the Motion to be untimely. The case was dismissed on January 13, 2009, and the Motion admits that Debtor's counsel knew of the dismissal at least as early as January 14, 2009. Yet Debtor did not file his (defective) motion for reinstatement of the case until March 22, 2009, and did not file his corrected motion for reinstatement until April 1, 2009. The Motion alleges no excuse for this delay, and no good excuse is apparent. The Motion was not filed within a "reasonable time" under the circumstances, as required by Fed.R.Civ.P.

60(c)(1), made applicable to this case by Fed.R.Bankr.P. 9024.

Finally, the Court notes that the dismissal of this case was not with any bar to the Debtor filing a new bankruptcy case.

NOW, THEREFORE,

IT IS ORDERED that the Motion should be, and is, DENIED.

Signed on April 03, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge